



MINUTES

**CITY OF SCOTTSDALE POLICE LOCAL BOARD OF THE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)
REGULAR MEETING
11:00 a.m., Thursday, October 15, 2009
Human Resources Verde Room
7575 E. Main Street
Scottsdale, Arizona 85251**

PRESENT: Jack Cross, Chairman/Mayoral Designee
Jeffrey Burg, Citizen Member
James Butera, Elected Member
La Verne Parker Diggs, Citizen Member/Merit Head
Jeffrey Walther, Elected Member

STAFF: Lauran Beebe
Ken Nemec

Call to order:

Chairman Cross called the meeting to order at 11:08 a.m.

Roll call:

A formal roll call confirmed the members present as stated above.

1. Review and Approval of Meeting Minutes—September 17, 2009.

BOARD MEMBER WALTHER MOVED TO APPROVE THE REGULAR MEETING MINUTES OF THE SEPTEMBER 17, 2009 PSPRS POLICE LOCAL BOARD MEETING. BOARD MEMBER BUTERA SECONDED THE MOTION, WHICH CARRIED BY A VOTE FIVE (5) TO ZERO (0).

2. Induction of New Scottsdale Police Officers into PSPRS.

Mr. Nemec reported that Police Officer Ryan Boesen was hired on May 18, 2009 and graduated from the academy on October 2, 2009 with no pre-existing conditions.

BOARD MEMBER BUTERA MOVED TO APPROVE THE INDUCTION OF NEW SCOTTSDALE POLICE OFFICER RYAN BOESEN INTO PSPRS WITH AN EFFECTIVE MEMBERSHIP DATE OF OCTOBER 2, 2009 AND WITH NO PRE-EXISTING CONDITIONS NOTED. BOARD MEMBER WALTHER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).

3. Report on Result of Recent PSPRS Police Local Board Election

Mr. Nemec announced that the Police Local Board of the Public Safety Personnel Retirement System re-elected Board Member Butera last month to continue as an Elected Member of the Board for the next four years.

He also announced that on October 13, 2009 City Council Re-appointed Board Member Burg to serve another four years on the Board. He pointed out that Board Member Burg's current term does not end until January 2010.

Chairman Cross expressed his appreciation of Board Members Butera and Burg's willingness to serve another four years.

4. Discussion and vote on request made by Police Commander Stephen Gesell to change the effective date of his DROP termination and normal retirement from October 2, 2009 to September 30, 2009.

Chairman Cross explained that Police Commander Gesell requested that the effective date of his DROP termination and normal retirement be changed from October 2, 2009 to September 30, 2009. By making this change his first check would be sent out on October 31, 2009 rather than November 30, 2009.

In response to Board Member Walther's inquiry regarding what other reasons Police Commander Gesell had for changing the effective date, Ms. Beebe said that he originally chose October 2, 2009 to obtain the extra DROP monies and has since purchased a home.

In response to Board Member Butera's inquiry regarding what the application means by "the date last DROP benefit credited," Ms. Beebe responded that should Police Commander Gesell choose to stay in the DROP the entire five years, the date referenced would apply. She stated that "the date last DROP benefit credited" would only be changed if an applicant decides to leave the DROP early.

Chairman Cross suggested that all applicants request the whole five years when applying for the DROP to ensure that there was no penalty for leaving the DROP early.

BOARD MEMBER WALTHER MOVED TO APPROVE THE REQUEST OF POLICE COMMANDER STEPHEN GESELL TO CHANGE THE EFFECTIVE DATE OF HIS DROP TERMINATION AND NORMAL RETIREMENT APPLICATION FROM OCTOBER 2, 2009 TO SEPTEMBER 30, 2009. BOARD MEMBER BUTERA SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).

5. Discussion and vote on Accidental Disability Retirement Application

Ms. Beebe reported that Police Officer Benjamin Felice was applying for an accidental disability in the amount of \$3,562.12 per month for an injury that occurred when lifting garbage cans while off duty. He injured his right shoulder and has had numerous surgeries since the accident.

Ms. Beebe pointed out that even though Officer Felice would like to continue working as a police officer, his doctors have determined that he is unable to fulfill his duties at this time.

Chairman Cross explained that the Board must appoint a medical board and/or doctor to complete an independent medical examination of Officer Felice.

Ms. Beebe told Board Members that because of the holidays the IME may not be completed by November. Staff has therefore reserved December 3, 2009 for a special meeting to review the IME results.

Board Member Walther noted that Officer Felice's application states that he injured his right shoulder while lifting garbage cans in the bed of a pickup truck or during a trash run. He pointed out that this is a task narcotics detectives in the course of their duties, so this injury should be listed as occurring while on duty. Ms. Beebe agreed to verify with Workers' Compensation whether this was an off- or on-duty injury.

Chairman Cross elaborated that the monthly figure was calculated using the accidental disability formula which relates to an on-duty injury. Mr. Nemec reported that workers' compensation staff confirmed that this was indeed an on-duty injury.

In response to Board Member Butera's inquiry regarding the date of the disability, Ms. Beebe responded that the injury date has not yet been confirmed.

Chairman Cross clarified that the two statutory requirements for an accidental disability retirement were the inability to perform the duties of a police officer and termination of employment. He stated that the late termination date was probably because Officer Felice was trying to use all of his vacation and sick leave before terminating.

Chairman Cross commented that the Board was not required to decide on an actual termination date today.

Mr. Nemec stated that staff had decided to request Officer Felice's IME from Columbia Medical since they were still researching other medical providers. He stated that they would only use doctors with whom the Board has had good past experiences.

Chairman Cross recalled the Fire Board's discussion about retaining one good, consistent medical examiner for future IME reports. The quality of the report would depend on the doctor assigned to handle the IME by Columbia Medical. Chairman Cross recommended completing the IME review before Officer Felice runs out of vacation leave.

Board Member Walther recalled knowing Officer Felice the entire time that he has worked for the Scottsdale Police Department and noted that his injury was a tragic occurrence.

Chairman Cross expressed his appreciation to Board Member Walther for questioning the classification of the injury on the application.

BOARD MEMBER WALTHER MOVED TO APPROVE THE ISSUANCE OF AN INDEPENDENT MEDICAL EXAMINATION THROUGH COLUMBIA MEDICAL FOR THE APPOINTMENT OF A MEDICAL SPECIALIST TO SERVE AS A MEDICAL BOARD FOR THE APPLICATION OF POLICE OFFICER BENJAMIN FELICE. BOARD MEMBER PARKER DIGGS SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FIVE (5) TO ZERO (0).

CLOSED PUBLIC HEARING

6. Motion to Recess into Executive Session

Chairman Cross deemed it unnecessary to go into executive session.

RECONVENE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEETING FOLLOWING EXECUTIVE SESSION

7. Board Suggestions for Upcoming Agenda Items.

Mr. Nemec reminded the Board that the upcoming PSPRS Local Board Conference is scheduled for October 26, 2009.

Chairman Cross reported that the Omnibus Bill has a new provision that requires an employee to be terminated from employment at least 60 days before returning to employment with the same employer, and noted that some police officers like to retire from their position in order to return to employment in a civilian position. Ms. Beebe stated at least two police officers were able to retire before the October 1, 2009 provision deadline.

ADJOURNMENT:

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 11:27 a.m.

Respectfully Submitted by:

REVIEWED BY:

Ken Nemec
PSPRS Police Local Board Secretary
Designee

Jack Cross
PSPRS Chairman/Mayoral